

Ordinance no. \_\_\_\_\_

**An ordinance amending the “Zoning” Chapter of the code of the City of Arlington, Texas, 1987, through the amendment of Article V, Development Review Procedures; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and an effective date**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

That the “Zoning” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article V, Development Review Procedures, Section 5-550, Conservation District (“CD”) Overlay Designation**, so that hereafter said section shall be and read as follows:

**Section 5-550 Conservation District (“CD”) Overlay Designation**

**A. Purpose.**

This section establishes the procedure to request a Conservation District (“CD”) Overlay zoning classification. The “CD” zoning classification, through separate ordinance will provide guidance and design parameters for the redevelopment and revitalization of specific neighborhood and commercial areas.

The purposes of the conservation district overlay designation are:

1. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm of existing neighborhood.
2. To promote and provide for economic revitalization.
3. To support and promote neighborhood initiated efforts to preserve their quality of life.
4. To promote compatible and sensitive new development and redevelopment.
5. To stabilize property values.
6. To provide residents and property owners with a planning tool for future development.

7. To promote and retain affordable housing.
8. To encourage and strengthen civic pride.
9. To ensure the harmonious, orderly, and efficient growth and development of the city.

Conservation districts are designated as overlays to standard zoning districts. Authorized uses must be permitted in both the underlying zoning district and the overlay district. Property designated as a conservation district may have additional designations such as a historic district. Such property shall comply with all applicable use restrictions.

Separate ordinances are required to designate each conservation district. Ordinances designating each district shall identify the designated boundaries, applicable designation criteria, and design standards for that district and be consistent with any adopted neighborhood and/or city plans.

In the event of a conflict between the provisions of a specific conservation district and the underlying zoning district regulations, the provisions of the conservation district ordinance shall control.

**B. Conservation District Designation.**

To be considered for designation as a conservation district, the area must meet the following criteria:

1. Be located in an area in which a neighborhood plan has been adopted by City Council and the plan recommends a conservation district overlay.
2. The proposed geographic boundaries of the conservation district must be consistent with the boundaries of the adopted neighborhood plan.
3. Contain a minimum of one blockface (all the lots on one side of a block).
4. At least 75% of the structures in the proposed district:
  - a. Were improved at least 25 years ago and are presently improved.
5. Possess one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:
  - a. Scale, size, type of construction, or distinctive building materials.
  - b. Spatial relationships between buildings.

- c. Lot layouts, setbacks, street layouts, alleys or sidewalks.
- d. Special natural or streetscape characteristics such as creek beds, parks, greenbelts, gardens, or street landscaping.
- e. Land use patterns, including mixed or unique uses or activities.
- f. Contain, abut, or link designated historic landmarks and/or districts.

**C. Zoning Change Procedure.**

1. **Application Submittal.** A zoning change application for the designation as a conservation district shall be initiated through any one of the following procedures:
  - a. Request of owners representing 60% of the land area within the proposed district.
  - b. Request of 60% of property owners within the proposed district.
  - c. Request of the Director of Community Development and Planning, pursuant to a Neighborhood or City Plan adopted by the City Council or city or community revitalization program.
2. **Application Requirements.** The following will be required from the representatives of the property owners seeking the designation and should be submitted with a zoning change application:
  - a. Narrative explaining the uniqueness and/or major contributing characteristic(s) for the proposed district.
  - b. Maps indicating boundaries, ages of structures, and existing land use within the proposed district.
  - c. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district.
  - d. List of all property owners (with legal addresses), neighborhood associations, and/or organizations representing the interests of property owners in the proposed district.
3. **Zoning Approval.** Except as modified by this section, the procedures for zoning changes set forth in Section 5-200, Changes and Amendments to

Zoning Ordinance or Zoning map shall otherwise apply to the designation of an area as a Conservation District.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective upon second publication as described above.

PRESENTED AND GIVEN FIRST READING on the \_\_\_\_\_ day of \_\_\_\_\_, **2006**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the \_\_\_\_\_ day of \_\_\_\_\_, **2006**, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

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ROBERT N. CLUCK, Mayor

ATTEST:

\_\_\_\_\_  
BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY \_\_\_\_\_